

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C) .No. 18280 of 2007 (A)

PETITIONER:

SHAJI @ SHAJI CHERIYAN, AGED 34 YEARS,
S/O.LATE CHERIYAN, PUTHANPURAYIL HOUSE,
KARUMATHRA P.O., VAZHANI (VIA), THRISSUR
DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

1. DISTRICT COLLECTOR, THRISSUR.
2. TAHASILДАР, TALAPPILLY TALUK,
WADAKKANCHERRY P.O.,
THRISSUR.
3. VILLAGE OFFICER, KARUMATHRA VILLAGE,
KARUMATHRA P.O., THRISSUR.
4. ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WELFARE DEPARTMENT (P.W.D.),
TALAPPILLY TALUK, WADAKKANCHERRY P.O.,
THRISSUR.
5. TALUK SURVEYOR, TALAPPILLY TALUK,
WADAKKANCERY P.O., THRISSUR DISTRICT.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

=====

W.P.(C).No.18280 of 2007

=====

Dated this the 14th day of June, 2007

J U D G M E N T

The petitioner submits that even without issuing any notice, the respondents are taking steps to evict the petitioner from his property alleging that the same is a Government land. Prima facie, I am of opinion that the petitioner's apprehension cannot be accepted on face value because, the responsible Government servants as they are, ordinarily the respondents would not take proceedings under the Kerala Land Conservancy Act without complying with the provisions of the Act and Rules. Normally, such proceedings have to be after issuing notice, affording opportunity of being heard including opportunity to adduce evidence and passing a speaking order. That being so, I am prima facie of the opinion that the apprehension of the petitioner cannot be correct.

Accordingly, this writ petition is closed with the above observations. The petitioner seeks a direction to measure and demarcate the petitioner's property covered by Ext.P1. It would be open to the petitioner to seek this relief before the authorities.

sdk+

Sd/-
S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.